

FILED

AUG 29 2018

Clerk, U S District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRAVIS JAMES BERNDT,

Defendant.

CR 17-84-BLG-SPW

**PRELIMINARY ORDER OF
FORFEITURE**

WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. §§ 881(a)(11) and 853, as property used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on April 19, 2018, the defendant Berndt entered pleas of guilty to count I of the indictment charging him with conspiracy to possess with intent to distribute controlled substances, count II of the indictment charging him with possession with intent to distribute methamphetamine, and count III of the indictment charging him with possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, by virtue of said guilty pleas, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the pleas of guilty by Berndt to counts I, II, and III contained in the indictment, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- \$12,803 in United States Currency;
- Sig Sauer Equinox, model P938 9mm caliber pistol, serial number 52B091788;
- RG Industries, .22 caliber revolver, with an obliterated serial number;
- FEG Parabellum, model P9RK, 9mm caliber pistol, serial number K10136;
- Springfield, model 67 Series C, 12-gauge shotgun, serial number B030893;
- Sig Sauer, model 1911, .45 caliber pistol, serial number 54B046262;

- Ruger, M77 Hawkeye, .223 caliber rifle, serial number 711-96032;
- Sig Sauer, 9mm caliber pistol, serial number 345RR1304; and
- Glock, model 22, .40 caliber pistol, serial number VVV806.

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.

3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the

subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 29th day of August, 2018.



SUSAN P. WATTERS
United States District Judge